

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 12557 of 1996

Between:

The Management of Singareni Collieries Company Ltd., Area - II, Ramagundam
Division, PO: Godavarikhani, Karimnagar District, AP., rep.by its General Manager,
RG Area-II

..... PETITIONER

AND

- 1 The Presiding Officer, Industrial Tribunal - I
Chandra Vihar, M.J.Road,
Hyderabad.
- 2 The Workmen of Singareni Collieries Co. Ltd., Area-II
Ramagundam Division, PO, Godavarikhani, Karimnagar Dist.,

rep.by its Chief Vice President, Singareni Collieries Workers

Union, Bellampalli-504 251 Adilabad Dist

.....RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the
circumstances stated in the Affidavit filed herein the High Court may be pleased to
issue an order, direction, or writ particularly one in the nature writ of certiorari after
calling for the records from the first respondent in I.D.No.94 of 1988 and quash the
award passed therein Dt.5th January 1994.

Counsel for the Petitioner:MR.K.SRINIVASAMURTHY

Counsel for the Respondents: GP FOR LABOUR

The Court made the following :

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ORDER:

Aggrieved by the Award dated 05-01-1994 in I.D.No.94 of 1988 of the Industrial Tribunal, Hyderabad, the Management of the Singareni Collieries Company Limited has approached this Court.

The 2nd respondent Union after conciliation attempts that failed, approached the Government of India which by its proceedings dated 16-09-1988 referred to the Tribunal the following dispute:

“Whether the Management of M/s Singareni Collieries Company Limited, Area-II, Ramagundam Division, PO Godavarikhani, Karimnagar District (A.P) are justified in denying promotion as Rope Splicer Category V to Sri Oruganti Lingaiah, Rope Striker, GDK 7A Incline? If not, to what relief, the workmen concerned is entitled?”

Two oral witnesses each were examined for the Union and Management respectively. On behalf of the Union, six documents were marked and seven on behalf of the Management.

The case of the Union is that Oruganti Lingaiah workman was appointed in the Company on 01-01-1973 and promoted as Rope splicer on 15-04-1979. On account of the medical disability of one Kanakam Mallaiah, a regular Rope Splicer, Sri Oruganti Lingaiah was called upon and did officiate as Rope Splicer since 15-06-1981. While so on 01-08-1986 one Parpalli Balaiah admittedly a junior to Oruganti Lingaiah who did not ever officiate as a rope splicer and did not even pass the trade tests, was nevertheless appointed regularly as a rope splicer. It was also urged on behalf of the Union that Oruganti Lingaiah was called for the trade test and passed but nevertheless his case was not considered for regular promotion as rope splicer.

On behalf of the Management, it was denied that Oruganti Lingaiah passed trade test and contended that Parpalli Balaiah did pass the trade test. The Management, however, failed to produce the necessary records for the perusal of the Tribunal on the ground that they were destroyed after a lapse of time.

The Tribunal on a careful consideration of the oral and documentary evidence on record came to the conclusion that Parpalli Balaiah a junior to Oruganti Lingaiah was promoted as rope splicer in the year 1986 nearly 6 ½ years after Oruganti Lingaiah was continuously officiating as a rope splicer and even without Parpalli Balayya having passed the trade test. In the circumstances and on the aforesaid analysis of the evidence and conclusions on fact arrived at, the Tribunal declared that the conduct of the Management in declining promotion to Oruganti Lingaiah as rope splicer was illegal. It consequently declared that Oruganti Lingaiah is entitled for promotion as rope splicer, Category-V with retrospective effect from 01-01-1981 the date from which he was continuously officiating as rope splicer, with consequential benefits.

In the writ petition, on behalf of the Management, the self same grounds are reiterated which have found disfavour by the Tribunal. Neither before the Tribunal nor before this Court, is the Management able to substantiate its contention either that Oruganti Lingaiah did not pass the test as claimed by him and as asserted by him in his evidence before the Tribunal or that Parpalli Balaiah admittedly a junior to Oruganti Lingaiah had passed the test. This Court finds no justification for any of the claims in the writ petition nor any cause for interfering with the conclusions arrived at by the Tribunal or with the direction issued by the Tribunal. There are no merits in the writ petition.

In the result, the writ petition is dismissed. No order as to costs.

GODA RAGHURAM, J

Dated:08-10-2004.

Chvn.

ASSISTANT REGISTRAR

// TRUE COPY//

SECTION OFFICER

To

- 1 The Presiding Officer, Industrial Tribunal - I
Chandra Vihar, M.J.Road,
Hyderabad.
- 2 The Chief Vice President, Singareni Collieries Workers
Union, Bellampalli-504 251 Adilabad District, Workmen of
Singareni Collieries Co. Ltd., Area-II,
Ramagundam Division, PO, Godavarikhani, Karimnagar Dist.,
3. Two C.Cs. to the G.P. for Labour, High Court Buildings,
Hyderabad (OUT).
4. Two C.D.copies.